

POTOMAC AND RAPPAHANNOCK
TRANSPORTATION COMMISSION (PRTC)

OFFICIAL COMMISSION MEETING

MINUTES

DATE: November 5, 2009

TIME: 7:00 p.m.

LOCATION: PRTC Transit Center
14700 Potomac Mills Road, 2nd Floor
Woodbridge, VA 22192-6811

1. CALL TO ORDER

Chairman May called the meeting to order at 7:00 p.m.

2. ROLL CALL

MEMBERS PRESENT

*Maureen Caddigan	Prince William County
*Wally Covington	Prince William County (departed at 9:10 p.m.)
*Corey Hill	DRPT (departed at 9:05 p.m.)
*John Jenkins	Prince William County
*Frank Jones, Immediate Past Chmn	City of Manassas Park
*Matthew Kelly, Secretary	City of Fredericksburg
*Scott Lingamfelter	Virginia House of Delegates
*Michael May, Chairman	Prince William County
*Paul Milde, Treasurer	Stafford County
*Jackson Miller	Virginia House of Delegates (departed at 8:45 p.m.)
*Martin Nohe	Prince William County
*Frank Principi	Prince William County (departed at 8:45 p.m.)
*George Schwartz	Stafford County
*Jonathan Way, Vice Chairman	City of Manassas

ALTERNATES PRESENT

Jean Benson	City of Fredericksburg
*Lorraine Lasch	Prince William County (voting member at 9:10 p.m.)
*Brian Potvin	Prince William County (voting member at 8:45 p.m.)

STAFF AND GENERAL PUBLIC

Gina Altis	PRTC Executive Assistant
Monica Backmon	PWC Department of Transportation
Laura Bateman	Patten, Wornom, Hatten & Diamonstein, L.C.
Jennifer Buske	The Washington Post
Doris Chism	PRTC Dir., Customer Service & Dispatch
Bob Corbin	FIRST TRANSIT Bus Operator
Rob Dickerson	PRTC Legal Counsel
Aroni S. El	Citizen
Anthony Foster	PRTC Transportation Project Manager
Shanta Garth	FIRST TRANSIT AGM-Accounting & Admin.
Dan Goldfarb	Cambridge Systematics, Inc.
Al Harf	PRTC Executive Director
Herbert Harris, Jr.	District of Columbia State Legislative Board
Mike Harris	DRPT Project Manager
Kelly Hannon	The Free-Lance Star
Robb Howell	FIRST TRANSIT General Manager
Annie Johnson	FIRST TRANSIT Bus Operator
Todd Johnson	FIRST TRANSIT Maintenance Manager
Chris Pat	Citizen
Paul Pitchke	FIRST TRANSIT AGM-Operations
Uriah Kiser	News and Messenger
Bob Leibbrandt	PWC Budget & Analysis
Steve MacIsaac	VRE Legal Counsel
Mary Marshall	PRTC Accounting & Budget Manager
Betsy Massie	PRTC Dir., Grants & Project Management
Eric Marx	PRTC Dir., Planning & Operations
Ginger Murphy	PRTC Transit Planner
Corbett Price	Citizen
Wendy Price	Citizen
Chuck Steigerwald	PRTC Senior Transit Planner
Jennifer Straub	VRE Deputy Chief Executive Officer
Jerry Swinson	FIRST TRANSIT Bus Operator
Dale Zehner	VRE Chief Executive Officer

MEMBERS ABSENT

Toddy Puller

Virginia Senate

ALTERNATES ABSENT

David Awbrey	DRPT
Charles Badger	DRPT
Hilda Barg	Prince William County
Harry Crisp	Stafford County
Brad Ellis	City of Fredericksburg
Peter LaMarca	City of Fredericksburg

City of Manassas Park
City of Manassas
Prince William County
Prince William County
Prince William County
City of Manassas Park

3.	INVOCATION	Led by Commissioner Jenkins.
4.	PLEDGE OF ALLEGIANCE	Led by Commissioner Principi.
5.	CITIZENS' TIME	

No other citizens came forward.

Mr. Howell reported full staffing levels are in place for the fall service change scheduled for Monday, November 9. He went on to report that four bus operators recently graduated, five bus operators will graduate in the next several weeks, and training efforts continue with a new class commencing next week. He also noted the buses will operate on a modified holiday schedule on Wednesday, November 11 (Veterans Day).

Mr. Howell noted the PRTC-First Transit Annual Bus Rodeo was held on Saturday, October 31, at Gar-Field High School. Bus operator John Campbell was crowned the winner followed by Craig Thompson and Odise Adams who took second and third place, respectively. All three operators will move on to compete in the state bus rodeo in Alexandria, Virginia.

7. APPROVAL OF MINUTES

RES 09-11-01 Minutes of September 3, 2009, and October 1, 2009.
[PRTC\Minutes]

Commissioner Caddigan moved, with a second by Commissioner Kelly, to approve the Minutes as presented. There was no discussion on the motion. (CADDIGAN\KELLY; WITH MAJORITY VOTE, COVINGTON/MILDE/NOHE ABSTAINED)

8. AGENDA APPROVAL

RES 09-11-02 Agenda of November 5, 2009.
[PRTC\Agenda]

Commissioner Caddigan moved, with a second by Commissioner Kelly, to approve the Agenda as presented. There was no discussion on the motion. (CADDIGAN\KELLY, UNANIMOUS)

9. CONSENT AGENDA APPROVAL

RES 09-11-03 A. Consent Agenda of November 5, 2009.
[PRTC\Consent Agenda]

Commissioner Milde moved, with a second by Commissioner Way, to approve the Consent Agenda as presented. (MILDE\WAY, UNANIMOUS)

RES 09-11-04 A. Treasurer's Report.
[PRTC\Finance]

Accepted the Treasurer's Report for period ending July 31, 2009, and August 31, 2009. (MILDE\WAY, UNANIMOUS)

RES 09-11-05 B. Advertise for Procurement Facility Cleaning Services.
[PRTC\Custodial Services]

Authorized to advertise for procurement of the PRTC facility custodial services and extend the current contract on a short-term basis. (MILDE\WAY, UNANIMOUS)

Mr. Zehner announced a “service disruption” will occur on Monday, November 16 and explained CSX will install a new signal system between Alexandria and north of Rippon in anticipation of a future third track. The signal suspension commences at the end of the VRE service on Friday evening and will continue through Monday. At the request of CSX, VRE will operate a reduced schedule on November 16 (three trips in and three trips out). The length of the VRE trains will be extended and the mid-day train service will be cut. The Manassas line will experience no change in service and PRTC bus service will be offered on the Fredericksburg side.

Vice Chairman Way observed that while the Broad Run parking situation would be solved by the Gainesville-Haymarket extension in the long term, an immediate, if temporary, solution is necessary. Mr. Zehner explained that research has been conducted in conjunction with Prince William County and PRTC to determine the cost-effectiveness of busing people from the Manassas Airport site to the Broad Run VRE Station, but this is an expensive venture and a cost-effective solution isn’t readily available.

Commissioner Milde asked what the ridership decline is on the Fredericksburg line. Mr. Zehner noted the decline on the Fredericksburg line is 2% compared to the same period last year. The Manassas line has experienced a 4% gain in ridership.

RES 09-11-08 C. Modify the Contract for New Locomotive Purchase.
[VRE\Locomotives]

Commissioner Caddigan moved, with a second by Commissioner Jenkins, to authorize the modification of the contract with MotivePower, Inc. for the purchase of locomotives to increase the base order from twelve to up to fifteen locomotives and the contract value to \$10,997,829, plus a ten percent contingency allowance amounting to \$1,099,783, for a total contract value not to exceed \$60,579,992. There was no discussion on the motion. (CADDIGANJENKINS, UNANIMOUS)

RES 09-11-09 D. Spotsylvania Membership Agreement.
[Spotsylvania]

Commissioner Milde moved, with a second by Commissioner Principi, to approve the VRE Membership Agreement, the amended VRE Master Agreement, and the amended PRTC Founding Ordinance providing for Spotsylvania County’s membership (effective February 15, 2010) and authorized the Executive Director to request Secretary of the Commonwealth certification.

Mr. Harf clarified that the reason for making the effective date of the Spotsylvania agreement February 15, 2010 is because the Spotsylvania Board of County Supervisors (SBOCS) wanted to allow the fate of the membership agreement to be decided by the newly elected Board, knowing that two of the Board members who voted “yes” were up for re-election against candidates opposing membership. The two incumbents who voted “yes” were re-elected yesterday. There was no further discussion on the motion. (MILDE\PRINCIPI, UNANIMOUS)

[VRE] E. Contract for Operating and Maintenance Services:

(1) VRE Operations Board Resolution 9A-10-2009 (10/16/09).

(2) VRE Press Release (10/16/09).

RES 09-11-10 F. Convene into Closed Meeting.
[PRTC]

Commissioner Jenkins moved, with a second by Commissioner Kelly, to convene into Closed Meeting at 7:30 p.m. pursuant to the Virginia Freedom of Information Act (Sections 2.2-3711A (6) (7), and (29) of the Code of Virginia) for the purpose of consultation with counsel concerning the requirements of the Public Procurement Act and discussion of a matter involving the expenditure of public funds where competition and bargaining is involved and where discussion in public would adversely affect VRE's financial interests and its bargaining position and negotiating strategy. There was no discussion on the motion. (JENKINS\KELLY, UNANIMOUS)

RES 09-11-11 G. Certification of Closed Meeting.
[PRTC]

Commissioner Caddigan moved, with a second by Commissioner Nohe, to certify Closed Meeting at 8:30 p.m. There was no discussion on the motion. (CADDIGAN\NOHE, UNANIMOUS)

[PRTC] H. Action Items Reported Out of Closed Meeting

RES 09-12-12 1. Award a Contract for Operating and Maintenance
[VRE] Services.

Commissioner Lingamfelter moved, with a second by Commissioner Jones, to execute a contract with Keolis Rail Services America for operating and maintenance services in the amount of \$18,459,348, plus a contingency allowance amounting to \$1,612,368, for a total contract value not to exceed \$20,071,716 through June 30, 2011.

Commissioner Nohe observed that Amtrak is a federal bureaucracy, not a private company. He went on to say that people are seeking private sector solutions vs. federal government solutions and no American jobs will be eliminated. The free enterprise, non-government proposal will assist people in obtaining jobs quicker than the federal government can offer.

Chairman May asked Mr. Zehner to respond to expressed safety concerns and to reassure the public the VRE service will continue to perform as they've come to expect under this potential new contract. Mr. Zehner explained the host railroads (CSX and Norfolk Southern) are committed to working with Keolis and VRE to ensure the continuing safe operation of the railroad. To this end, Keolis Rail Services America will meet with the

executive teams of CSX, Norfolk Southern, and the Federal Railway Administration (FRA) safety team. Mr. Zehner went on to say the host railroads will not permit any company to operate on the railroad they feel is unsafe and if the host railroads observe problems during the transition process, VRE will act promptly and appropriately. VRE will also continue to review the situation with the FRA and does not anticipate any problems between VRE and the host railroads. Also, all operators will be qualified American railroaders.

Chairman May asked if VRE riders will see a difference in the current VRE service assuming the contract is awarded. Mr. Zehner explained riders can expect to see the level of customer service improve after July 1, 2010.

Commissioner Kelly explained the procurement is a process the VRE is required to go through. Everyone received the same opportunity and the procurement process does not discriminate. With regard to the RFP, Keolis Services America went above and beyond and there are currently a limited number of firms in the U.S. who can operate the train service. Safety, service, and maintenance is the ultimate goal and Keolis Services America has a top-notch management team, is trained on American rails, and every effort will be made to retain the current Amtrak employees and personnel. He observed that Amtrak expected to be awarded the contract and people should speak to Amtrak about how they handled the contract and RFP, including among other things the inexplicable \$2.2 million of transitional costs that Amtrak sought as part of its proposal even though it has been operating the railroad some seventeen (17) years.

Commissioner Lingamfelter commented that cost is a minor factor compared to safety, maintenance, and established criteria to determine the best value for the Virginia taxpayer and riders.

Vice Chairman Way stated everyone is determined to have a safe, reliable and improved operation. The FRA raised a number of questions and Mr. Zehner's response explained how Keolis and VRE will respond in a fully responsive manner.

Commissioner Milde commented that the procurement process is designed to ensure a level playing field, with dictates about quality, value, safety, cost, and customer service. Keolis Services America distinguished themselves and outperformed the competition. To say now that Amtrak alone is up to the task not only would be wrong but would seriously damage the procurement process moving forward.

Commissioner Jones commented that a performance-based contract will be in place establishing a set of criteria that VRE has not had in the past which will provide incentives and penalties for exemplary and deficient performance, respectively. He went on to say performance based contracts enhance the prospects for improved performance by virtue of established benchmarks and criteria.

There was no further discussion on the motion. (LINGAMFELTER\JONES; WITH MAJORITY VOTE, HILL ABSTAINED)

11. CHAIRMAN'S TIME

- [PRTC\Info] A. The PRTC Executive Committee is scheduled to meet on Thursday, December 3, 2009, 6:00 p.m., at the PRTC Transit Center re PRTC Officers for Calendar Year 2010 – Nominating Committee Appointment.

Chairman May announced the PRTC Executive Committee is scheduled to meet on Thursday, December 3, at 6: 00 p.m., and asked the Executive Committee to serve as the Nominating Committee to propose a “slate” of PRTC Officers for 2010.

On behalf of the Commission, Chairman May congratulated Commissioners Lingamfelter, Milde, and Miller on their respective re-elections yesterday.

Chairman May announced the new “Tysons Corner Express” bus service will commence on Monday, November 9. The “inauguration” of the service will be celebrated on Friday, November 6, 10:00 a.m. at the VRE Woodbridge Station (Secretary of Transportation Pierce Homer will be in attendance).

Commissioners Miller and Principi departed at 8:45 p.m. following the Chairman’s Report and was absent on the vote on Items 12-B.1, 12-B.2, and 12-B.3. Prince William County Alternate Brian Potvin became a voting member upon Commissioner Principi’s departure.

- [PRTC\Info] B. I-66 BRT Study Update.

At this time, Corey Hill, DRPT Chief of Public Transportation, provided an update briefing about the “I-66 BRT Study.” He also introduced DRPT’s Project Manager Mike Harris and Dan Goldfarb, Cambridge Systematics, Inc. A hard copy of the presentation was furnished. A question and answer session followed.

Commissioner Lingamfelter asked how the study conclusions would change if I-66 were to be widened inside the Beltway. Commissioner Hill explained I-66 is currently HOV only inside the Beltway, which works very well. If I-66 is widened, there would not be a huge impact in terms of travel time savings by bus. The “friction” present between the general purpose and the HOV lane flow does slow traffic, but there is a relatively simple fix to the situation which will be explained elsewhere in the presentation.

Commissioner Lingamfelter asked if Single Occupancy Vehicle (SOV) hybrid vehicles slow the flow of traffic in the HOV lanes. Mr. Hill explained this issue wasn’t specifically addressed. Commissioner Lingamfelter recommended the issue be included in future studies.

Commissioner Covington asked if the Rt. 234 extension is part of the equation, noting the reference to the Rt. 29 and Rt. 50 corridor improvements. Mr. Hill explained the real intention for Rt. 29 and Rt. 50 is inside the Beltway (rather than outside the Beltway) where

there are opportunities for better bus service. There is currently a large bus market between Rosslyn and Washington, D.C.

Commissioner Hill departed at 9:05 p.m. following the presentation and was absent on the vote for Items 12-B.1, 12-B.2, and 12-B.3.

12. EXECUTIVE DIRECTOR'S TIME

[PRTC\Info] A. Executive Director's Report.

Mr. Harf reported the Senate passed a Continuing Resolution (CR) on Friday, October 30, to extend the SAFETEA-LU and provide appropriations for transit programs through December 18. Following the December 18 extension, the Senate favors a six-month extension, the House favors a 3 month extension, and the White House advocates an 18 month extension. The extensions are designed to allow time for a full-fledged, six-year authorization bill to be formulated.

Regarding climate change legislation, Mr. Harf reported the Senate Environment and Public Works Committee (EPW) bill is a marked improvement over the House bill from a "transit funding" perspective. The Senate bill in its present form envisions a portion of the credits to be auctioned set aside for investments in transportation -- 2.5% which amounts to between \$1.5 and \$3 billion in formula funds per year based on the varying estimates of the market value of the auctioned credits. Currently there is about \$4.5 billion of formula funds distributed nationally so the prospective increase in transit formula funding is substantial.

Mr. Harf announced the "fall service change" takes effect Monday, November 9, in conjunction with the new Tysons Corner Express OmniRide bus service.

Continuing, Mr. Harf reminded the Board of its authorization at the September meeting to add hours to the budget to be funded out of the favorable passenger revenue variances. At that time, PRTC was experiencing chronic overcrowding on 38 of the 316 trips on the OmniRide services. In September, over-aged buses and several trips were added to help alleviate overcrowding on the buses and schedule adjustments are being made starting on November 9. Collectively, these fixes will solve about half of the chronic overcrowding situation. He went on to explain that overcrowding will continue on the OmniRide service after November 9. The PRTC bus fleet is virtually exhausted -- only two over-aged buses remain that can be pressed into service.

Mr. Harf explained the Department of Taxation is currently in the process of finalizing its regulations altering the motor fuels tax which will shift from a retailer tax to a distributor tax with an attendant rate increase from 2% to 2.1%. He went on to explain that based on an advanced copy of the draft rules, PRTC raised two concerns: (1) opportunities of evasion during the transition period and (2) the narrow interpretation of what's taxable. The original draft of the taxation rules provided an opening for the distributors to wall off transportation costs and other costs separate and apart from the actual cost of the fuel and to treat those costs as though they are not taxable. PRTC urged that unless there is a statutory prohibition

on treating those sorts of expenses as taxable, it is in PRTC's interest for the tax to apply as expansively as possible. Staff spoke with the Department of Taxation today about PRTC's reactions and about when the final rules will be available. The Department of Taxation staff replied that the Taxation Commissioner is in possession of the final rules and they will not be disclosed until the Taxation Commissioner has signed them. The finalized rules will take effect January 1, 2010, and PRTC does not know whether the finalized rules will embrace PRTC's and NVTC's reactions/suggestions.

Commissioner Way asked what PRTC assumed in the five year forecast of tax revenue by jurisdiction recently sent to the member jurisdictions. Mr. Harf explained the projections assume the 2.1% vs. 2% tax would be revenue neutral; the tax revenue projections are higher now than a year ago as a consequence of increased prices.

Mr. Harf reported that the George Washington Regional Commission (GWRC) will be issuing a competitive procurement for the "Vanpool Subsidization Design Study," a collaborative venture of GWRC, PRTC, and all the Northern Virginia jurisdictions. The ultimate aim is to potentially use vanpool statistics to increase federal formula earnings for the region that will allow for the subsidization of vanpools and increased FTA formula funding that can be used for other purposes.

Mr. Harf noted a recommendation will be brought before the Commission at its December meeting for the award of a "Mobility Management Planning" consultant contract. He explained PRTC partnered in a procurement process with the Prince William Area Agency on Aging and Prince William County. The award will launch a planning exercise to inventory human services transportation services, quantify need, and gaps, and establish priorities for filling the gaps with volunteer transportation expansion of traditional services, user-side subsidies to make the use of taxi cab companies an affordable option for areas not otherwise served, etc. The plan will be deliberately crafted with the recognition that funds are in short supply.

Mr. Harf reiterated that the "OmniRide Tysons Express Ribbon-Cutting" is scheduled for Friday, November 6, 10:00 a.m., at the VRE Woodbridge Station. The new express bus service will commence on Monday, November 9.

Commissioner Covington departed at 9:10 p.m. during the Executive Director's report and was absent for the vote on Items 12-B.1, 12-B.2, and 12-B.3. Prince William County Alternate Lorraine Lasch became a voting member upon Commissioner Covington's departure.

[PRTC\Action] B. Action Items:

RES 09-11-13 1. Implement Organization Changes.
[PRTC\Organization Changes]

Commissioner Caddigan moved, with a second by Commissioner Jones, to implement the proposed organization changes. There was no discussion on the motion. (CADDIGAN\JONES, UNANIMOUS)

RES 09-11-14 2. PRTC Transit Center Park-Ride Lot Construction
[PRTC\Park-Ride Lot] Change Order.

Commissioner Jenkins moved, with a second by Commissioner Kelly, to authorize the execution of a change order to Corinthian Contractors, Inc. for construction of the new commuter park-ride lot specified in the amount of \$227,094. There was no discussion on the motion. (JENKINS\KELLY, UNANIMOUS)

RES 09-11-15 3. 2010 Census – Partnering Agreement.
[PRTC\2010 Census]

Commissioner Caddigan moved, with a second by Commissioner Nohe, to authorize the Executive Director to enter into a partnership agreement to promote participation in the 2010 Census. There was no discussion on the motion. (CADDIGAN\NOHE, WITH MAJORITY VOTE, LINGAMFELTER ABSTAINED)

At this time, Commissioner Milde asked to change his vote on the “approval of the minutes” to an “abstention”. There was no objection.

[PRTC\Info] C. Information Items:

1. 2009/2010 Federal and State Legislative Agenda. Mr. Harf explained the draft agenda currently makes the argument for an increase to the 2.1% motor fuels tax. He passed out a possible amendment to the provision, inviting the Board’s reaction/feedback prior to the December meeting.

Commissioner Lingamfelter asked what PRTC’s specific funding needs are. Mr. Harf pledged to provide this, noting that in percentage terms, PRTC is currently recovering about 40% eligible costs from state assistance on the operating side, not the 95% the General Assembly envisioned.

2. GAO Report – 2010 Census (10/7/09). There were no comments.
3. PRTC Service Performance Reports. There were no comments.
4. PRTC Budget-to-Actual Comparison. There were no comments.
5. Communications:
 - a. Related to Funding. There were no comments.
 - b. Related to Jurisdiction. There were no comments.
 - c. General Interest. There were no comments.

6. GAO Report – High Speed Passenger Rail (10/14/07). There were no comments.

13. OTHER BUSINESS/COMMISSIONERS' TIME

Commissioner Jenkins asked what steps are necessary to finalize the Spotsylvania Agreement. Mr. Harf explained the item is before the Northern Virginia Transportation Commission (NVTC) for action this evening. Upon NVTC's approval, certification by the Secretary of the Commonwealth will need to occur and the SBOCS will be required to memorialize the action in its minutes by November 30, 2009.

Commissioner Kelly noted that he and Commissioner Milde extended an invitation to the SBOCS Members to begin attending the monthly PRTC Board meetings commencing with the December 3rd meeting.

14. ADJOURNMENT

There being no further business to come before the Commission, Chairman May adjourned the meeting at 9:25 p.m.

NEXT MEETING: Thursday, December 3, 2009, 7:00 p.m.

LOCATION: PRTC Transit Center
14700 Potomac Mills Road, 2nd Floor
Woodbridge, VA 22192-6811
Main # (703) 583-7782
Fax #: (703) 583-1377

